ಶ್ರೀ ಎ. ಲಕ್ಷ್ಮೀಸಾಗರ್.—ಕಾರಣಾಂತರಗಳಿಂದ ಇದುವರೆಗೆ ಬಿಸಿಬಿಸಿಯಾದ ಚರ್ಚೆಯಾಗಿ ಮನ ಸ್ಸೆಲ್ಲ ಸ್ವಲ್ಪ ಕಲಕಿದೆ. ಆದಕಾರಣ ಅದು ಹಗುರವಾಗಿ, ತಿಳಿಯಾಗುವ ಸಲುವಾಗಿ ೧೫ ನಿಮಿಷಗಳ ಕಾಲ ಸಭೆಯನ್ನು ಮುಂದಕ್ಕೆ ಹಾಕಿದರೆ ಒಳ್ಳೆಯದು.

SRI B. BASAVALINGAPPA.—We will adjourn for 15 minutes for tea. We have the Business Advisory Committee now.

SRI S.R. BOMMAI.—To the Bill under discussion, I would to suggest some amendment. In this connection I would like to discuss the matter with the concerned Minister instead of taking the time of the House.

SRI B. BHASKAR SETTY.—We shall adjourn for 15 minutes.

Mr. SPEAKER.—The House is adjourned for 15 minutes for tea.

The House rose at fifteen Minutes past four of the Clock and re: assembled at Ten Minutes past five of the clock.

(Mr. Speaker in the Chair)

KARNATAKA VILLAGE OFFICES ABOLITION (Amendment) Bill, 1978

as passed by L.A. and as amended by L.C.

Motion to Consider

SRI B. BASAVALINGAPPA (Minister for Revenue).—Sir, I move ;

"That the following* amendments made by the Legislative Council to the Karnataka Village Offices Abolition (Amendment) Bill, 1978, as passed by the Legislative Assembly, be taken into consideration."

CLAUSE-I

(1) In sub-section (2), for "and sub-section (5) of section 7" substitute the following -

"section 2, section 3 and new section 7A in section 4"

CLAUSE-3

For "In section 5 of the principal Act, after sub-section (?) the following sub-section shall be inserted, namely ;-" substitute the following-

"In section 5 of the principal Act,-

(A) in sub-section (3), for "Without the previous sanction of the Deputy Commissioner and such sanction shall be granted only on payment of an amount equal to fifteen times the amount of full assessment of the land". Substitute the following –

"for a period of fifteen years from the date of commencement of section 1 of the Karnataka Village Offices Abolition (Amendment) Act, 1978".

(b) after sub-section (3). the following sub-sections shall be and shall be deemed always to have been inserted, namely :-"

(2) After proposed sub-section (4) insert the following: 3/4

"Explanation :-For removal of doubts it is hereby daclared that in this sub-section and sub-section (3), transfer includes creation of a lease."

CLAUSE-4

For sub-sections (4) and (5) of new section 7, substitute the following :-

"7A. Restriction on Transfer etc :-

(1) No person shall transfer or acquire by transfer for a period of fifteen years from the date of commencement of this section any land regranted or disposed under sub-section (4) of section 5 or sub-section (3) of section 7 and any transfer of such land in contravention thereof shall be null and void. The land so transferred shall vest in the State Government free from all encumbrances. The provisions of sub-section (5) of section 5 shall mutatis mutandis apply to transfer of such land.

(2) Any person who acquires by transfer such land in contravenion of sub-section (1) shall on conviction be punished with imprisonment which may extend to six months".

The Question was proposed

SRI B. BASAVALINGAPPA.—Sir, only two amendments were moved in the Legislative Council and they are now before the House. The hon. the Leader of the Opposition and Sri A. Lakshmisagar made a suggestion at the time of passing of the Bill that this Bill should take effect from the date of the original Bill, viz., the Mysore village Offices Abolition Act, 1961; otherwise it will not be helpful to the people. I have accepted the suggestion accordingly. Another thing that is thought of is the punishment for those who try to purchase the lands from the neglected people. This was also suggested by my learned friends, and that amendment has also been inserted. The Legislative

Council gave a glowing tribute to this measure. I do not think there is anything more than what I have stated and I commend this Bill for the acceptance of the House.

ಶ್ರೀ ಎಸ್. ಆರ್. ಬೊಮ್ಮಾಯಿ.—ಇದರಲ್ಲಿ ಕೆಲವು ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಮೊದಲನೆಯದಾಗಿ ನಾವು ಹೇಳದಂತಹ ಸೂಚನೆಯನ್ನು ಸ್ವೀಕರಿಸಿದ್ದಾರೆ. ಅದಕ್ಕಾಗಿ ಕೃತಜ್ಞತೆಯನ್ನು ಅರ್ಪಿಸುತ್ತೇನೆ. ತಿದ್ದುಪಡಿ ತಂದಿದ್ದಾರೆ. ಇದರಲ್ಲಿ ಸೆಕ್ಷನ್ ೫ ಅದರಲ್ಲೂ ಸಬ್ ಸೆಕ್ಷನ್ ೩ರಲ್ಲಿ ಏನು ಹೇಳಿದ್ದಾರೆಂದರೆ.—

"The occupancy or the ryotwari patta of the land, as the case may be, re-granted under sub-section (1) shall not be transferable otherwise than by partition among members of Hindu Joint Family without the previous sanction of the Deputy Commissioner and such sanction shall be granted only on payment of an amount, equal to fifteen times the amount of full assessment of the land".

SRI B. BASAVALINGAPPA.—Under Section 7, there is a provision for regranting the land, and that power vests with the Government. Here, we want to take away that power of regrant. It is only a consequential amendment suggested. Section 5 sub-clause (3) says :

> "The occupancy or the ryotwari patta of the land, as the case may be, regranted under sub-section (1) shall not be transferable otherwise than the partition among members of Hindu Joint Family without the previous sanction of the Deputy Commissioner and such sanction shall be granted only on payment of an amount, equal to fifteen times the amount of full assessment of the land."

The amendment that was suggested is inserted.

ಶ್ರೀ ಟಿ. ಆರ್. ಶಾಮಣ್ಣ.—ಈಗ ತಾವು ಸೆಕ್ಷನ್ ೫ಕ್ಕೆ ಕ್ಲಾಸ್ ೩ರಲ್ಲಿ ತಿದ್ದುಪಡಿ ತಂದಿದ್ದೀರಿ. ಅದರಲ್ಲಿ "Payment of an amount equal to fifteen times the amount of full assessment." ಎಂಬುದಾಗಿ ಹೇಳಿದ್ದೀರಿ. ಅದರಂತೆ ೧೫ ವರ್ಷಗಳು ಎಂಬುದಾಗಿ ಇರಬೇಕಲ್ಲವೆ?

SRI B. BASAVALINGAPPA.—After regrant is made, there is a prohibition for transfer.

SRI M. C. BASAPPA.—Under Section 3, you have permitted the Deputy Commissioner to regrant the land ;

SRI B. BASAVALINGAPPA.—It is a prohibition against alienation or transferring this regranted land.

ಶ್ರೀ ಎಸ್.ಆರ್. ಬೊಮ್ಮಾಯಿ.—ಆ ಪದವನ್ನು ಎಲ್ಲಿ ಸೇರ್ಪಡೆ ಮಾಡಿದ್ದೀರಿ ? ಕೊನೆಯಲ್ಲೊ ಅಥವಾ ಮಧ್ಯದಲ್ಲೋ ?

ಶ್ರೀ ಎಚ್. ಗಂಗಾಧರನ್.—ತಾವು ಕರ್ನಾಟಕ ವಿಲೇಜ್ ಆಫೀಸರ್ಸ್‌ಗೆ ಜಮೀನು ಕೊಟ್ಟಿದ್ದೀರಿ. ಕೊಡುವ ಅಧಿಕಾರ ಇದೆ. ಕೆಲವಕ್ಕೆ ರಿ ಗ್ರಾಂಟ್ ಮಾಡುವುದಕ್ಕೂ ಸರ್ಕಾರಕ್ಕೆ ಹಕ್ಕು ಇದೆ. ಇದೇ ರೀತಿ ದರ್ಖಾಸ್ತು ಮೂಲಕ ಜಮೀನು ಕೊಟ್ಟಾಗಲು. ೧೫ ವರ್ಷ ಯಾರಿಗೂ ಮಾರಬಾರದೆಂದು ಹೇಳುತ್ತೀರಿ. ಆದರೆ ಆ ಜಮೀನನ್ನು ಆತನಿಗೆ ಕೊಟ್ಟ ಮೇಲೆ ಆತನಿಗೆ ಹಕ್ಕು ಬರುತ್ತದೆ. ಆ ರೀತಿ ಆತನಿಗೆ

ಹಕ್ಕಿ ಬಂದಮೇಲೆ ಕಾನೂನಿನ ವಿರುದ್ಧವಾಗಿ ಮಾರಿದರೆ, ಅಥವಾ ಮಾರಿ ಸಿಕ್ಕಿಕೊಂಡರೆ ಯಾವ ರೀತಿ ಶಿಕ್ಷೆ ಕೊಡುತ್ತೀರಿ ? ಮತ್ತೆ ಸೆಕ್ಷನ್ ೭ರ ಪ್ರಕಾರ ಅಕ್ರಮವಾಗಿ ಜಮೀನು ಮಾರಾಟವಾಗಿದ್ದರೆ ಯಾವ ರೀತಿ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುತ್ತೀರಿ ?

SRI B. BASAVALINGAPPA.— When a transaction takes place of a private holding, then the provisions of Transfer of Property Act are protected. Now this is a government land that is regranted to the thotis. In the case of land granted to another person, we put 15 years condition. The same conditions are put here because this is also a government land. Therefore the Transfer of Property Act does not apply here.

† SRI H. GANGADHARAN.— When once the land is granted under the darkhast rules and the restriction is put there (15 years), it should not be alienated. It is not the Deputy Commissioner who comes and cancels the land. If a complaint is made that the transfer will be cancelled, the land will be resumed to the government, that is a different thing. Under this Act you are going to make that person an owner of that land. When he becomes the owner of the land, where is the question of D. C. interveing in it. If it is a illegal transfer, the illegal transfer has got a cause of action and he will claim it in the Civil Court. Why should the D. C. be burdened with this aspect.

Another thing, if something had been done why should it be made a penal ; why should we punish the person ? The other point is : in section 8 (1) it is stated :

> "81) Whoever acquires any granted land in contravention of the provisions of sub-section (2) of section 4 shall, on conviction be punished with imprisonment which may extend to six months..."

Here only the purchaser is made responsible not the seller In a transaction both the purchaser and the seller are responsible. There seems to be oneway traffic in this law. The seller might be ignorant of the law. If the concession is given to a seller, is should be given to the purchaser also. Your penal clause must be made applicable to both the sides. The intention of the government in bringing this bill is no doubt good because of the reasons mentioned. But we should not forget the weaker sections particularly the Harijans who have purchased the land because it was available at a lesser price. These landless poor people have purchased land from others. Now under this enactment you want to take away the land even without giving the compensation and free from encumbrances. After taking this, they got it registered, khata was changed, and then borrowed from bank or society and made the land fit for cultivation. How are you going to award them. If a poor Harijan has purchased this land from

another person who got it under this Act and if that man has invested a lot of money for the installation of pumpset and invested money for cultivation, do you want to throw that man in to the street by taking away his land ? While making this law, you should not make somebody to be affected by this legislation. If there are genuine cases, you should have a provision to see that compnsation is paid.

SRI B. BASAVALINGAPPA.— I am happy that the hon. member has bestowed his thought on the provisions of th s bill. The law does not discriminate between A and B. So, whether a Harijan purchased or a person of weaker section purchased the land, the law is made applicable to them. If a discrimination is made in the law, that would not be a proper law. We presume that law must equally apply to all persons whether poor or rich. I am glad that the hon. member has expressed his appreciation about the intention of the government, I must be thankful to him. But the intention has got to be implemented properly to create more safeguards for preventing such alienations. The hon. members may remember that the Government of India have been now thinking to bring in measures on the similar lines. Before they could think of it, I have brought this measure. I may bring another measure on the similar lines. I think we have stolen a March over other States in this country. We would like to protect the interest of the poor men.

Another point which the hon. member has made out is whether it is applicable to persons who have already made purchases in the past. I say no, because I think he is a lawer of a longstanding. Any criminal act will not apply retrospectively, it is only prospective. Therefore hereafter whoever purchases the land just to defeat the provisions of the Act such land will be resumed, not otherwise. All those persons who have made purchases, they will not be called in question.

Persons who have already got the land granted by the Deputy Commissioner as per section 7, we have not touched him, he can be sure of his holding. Another point that has engaged the attention of the hon. member is the seller. Here he is an ignorant man, illiterate man, who has purchased and who had no occasion to raise above the shoulder, we have to look at him with a sense of compassion and understanding. But here is a man who has purchased the land from a man whom I have already described, to whom we should punish.

In my view the persons who perchased the land with a fraudulent intention to deprive the ignorant man of his property, he is more culpable, therefore, I say that he must be punished more than this man. He loses the land and he does not get the land; we will resume the land and keep it for disposal as per land grant rules. Unless he

is no more we are not thinking of his family at all. If he is alive, we do not think of his family ; we are thinking of the heirs of that man. Therefore we consider that deprivation of his property is a sufficient punishment and hence we have not provided for punishment. I think I have answered the main points raised by the hon. members.

† Sri T. R. SHAMANNA(Basavanagudi) — Sir, the other day I had brought an amendment in respect of the penalty that has to be levied on the person ; and I wanted further that if the person to whom the land has been granted for the second time and if it has been again transferred, the penalty had to be imposed on the person transferring it also. My amendment was not accepted. I am atleast happy that the government has now brought an amendment which is according to my thinking I am thankful to them.

5-30 P.M.

One thing I have to state here. The grant that has been given is absolute. When the absolute grant is given can you have the condition of 15 years : and is it possible to insert that clause. When any condition is inserted in any sale the sale, is not valid. Therefore, I will be happy if you examine it and see whether such condition can be inserted or not. Further, I have brought a case wherein a property of Harijan has been purchased in Nagasandra village. But in this case, an eminent person like you was helpless, Even if there is a clause, these persons are very clever. They know how to manipulate things. Therefore, I want to careful examination before the Act is made. so that it is not mis-used. Another thing is how is it that the poor Scheduled Caste man to whom the land is granted-forced to to sell his property? Either on account of the economic difficulties or due to some other habits he is forced to sell his preperty. Therefore, two things have to be done in this connection. In addition to the land you must also take all steps to see that they have the land cultivate and take the benefit out of it. At the same time, you must also see that certain moral standard is developed in them. They should not spend away the money for drinking and other bad habits. Whatever such reforms are going to be brought so that he will not sell away his property. Because, if you bring all such reforms it will only with good intention for his comforts and to lead a comfortable life. I think the Minister will give thought to this suggestion and do the needful.

SRI B. BASAVALINGAPPA.—I think the hon. Member has made a very good suggestion. He suggested to provide inputs to persons to whom lands are re-granted. Government is seriously thinking about

this problem also. We are thinking of a programme to provide these assistances to bring the land under cultivation and make their life happy.

ಶ್ರೀ ಹೆಚ್. ಟಿ. ಕೃಷ್ಣಪ್ಪ (ನಾಗಮಂಗಲ).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೆ, ಈ ಶಾಸನವನ್ನು ಮುರಿದು ಯಾವ ವ್ಯವಹಾರಗಳನ್ನು ಮಾಡಿರಲಿ ಮತ್ತು ಯಾರೇ ಇದಕ್ಕೆ ಧಕ್ಕೆ ತಂದಿರಲಿ ಕಾನೂನಿನ ಚೌಕಟ್ಟಿನಲ್ಲಿ ಶಾಸ್ತಿಯಾಗಬೇಕಾಗಿದೆ. ಮಾರಿರತಕ್ಕಂಥವರು ಮಗ್ದಜನ, ಶೋಷಿತಜನವಾದರ್ದಿಂದ ಇವರ ವಿಷಯದಲ್ಲಿ ಭೂತದಯೇ ಇರಬೇಕು ಎನ್ನುವುದರಲ್ಲಿ ಯಾರಿಗೂ ಭಿನ್ನಾಭಿಪ್ರಾಯವಿಲ್ಲ. ಆದರೆ ಸರ್ಕಾರ ಈಗ ಕಾನೂನು ಬಾಹಿರವಾದಂತೆ ಜಮೀನನ್ನು ಪರಬಾರೆ ಮಾಡಿದ್ದಾರೆ ಅದನ್ನು ಪಾಪಸ್‌ಪಡೆದು ಅದನ್ನು ಪುನಃ ಹಂಚಿಕೆ ಮಾಡತಕ್ಕಂಥ ವಿಚಾರದಲ್ಲಿ ಬಹಳ ಪ್ರಾಮುಖ್ಯವಾವದ್ದು ಎಷ್ಟೋ ಸಂದರ್ಭಗಳಲ್ಲಿ ಮಾರಿರತಕ್ಕಂಥವರು ಹಿಂದುಳಿದವರು ಆದರೆ ಕೊಂಡುಕೊಂಡಂತವರು ಹಿಂದುಳಿದವರು ಬಹಳ ಕಡಿಮೆ. ಆದರೆ ಮಾರಿರುವರು ದೊಡ್ಡ ಹಿಂದುಳಿದವರು ಆಗಿರುವವರು ಉಂಟು; ಈ ರೀತಿಯೂ ಕೂಡಾ ಅನೇಕ ರಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ನಮ್ಮ ಕಾನೂನಿನ ದೃಷ್ಟಿಯಲ್ಲಿ ಸಾಕಷ್ಟು ಜಮೀನುದಾರರು ಇದ್ದು ಇಂತಹ ಜಮೀನು ತೆಗೆದುಕೊಂಡಿದ್ದರೆ ಅದು ಬೇರೆ? ಆದರೆ ಕೇವಲ ೫-೧೦ ಗುಂಟೆ ಜಮೀನು ಇರುವವರು ಇದನ್ನು ಕೊಂಡುಕೊಂಡಿದ್ದರೆ ಇದರಲ್ಲಿಯೇ ಬದುಕಬಹುದು ಎನ್ನುವ ಆಸೆ ಇಟ್ಟುಕೊಂಡ ಜನರಿಗೆ ಮರು ಹಂಚಿಕೆ ಮಾಡತಕ್ಕಂಥ ಸಮಯದಲ್ಲಿ ಆರ್ಥಿಕವಾಗಿ ಹಿಂದುಳಿದವರನ್ನು ಹಾಗೂ ಬಡವರು ಎನ್ನುವುದನ್ನು ದೃಷ್ಟಿಯಲ್ಲಿಟ್ಟುಕೊಂಡು ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಇನ್ನು ಹರಿಜನರು ಶೋಷಿತವರ್ಗಕೆ ನ್ಯಾಯ ಹಾಗೂ ರಕ್ಷಣೆ ಕೊಡತಕ್ಕಂಥ ವಿಷಯದಲ್ಲಿ ಬಹಳ ಸ್ಪಷ್ಟವಾದ ಉತ್ತರ ಕೊಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ. ಇನ್ನು ಮಾರಾಟ ಮಾಡಿದ ಮೇಲೆ ಆ ಜಮೀನು ಬಹಳ ಬದಲಾವಣೆ ಆಗಿರುವ ಸಂದರ್ಭಗಳು ಬೇಕಾದಷ್ಟು ಇವೆ. ಮೊದಲು ವ್ಯವಸಾಯಕ್ಕೆ ಕೊಟ್ಟ ಜಮೀನಿನಲ್ಲಿ ಮನೆಕಟ್ಟಲಿಕ್ಕೆ ಉಪಯೋಗ ಮಾಡಿರುತ್ತದೆ ಜೊತೆಗೆ ಬಂಜರು ಭೂಮಿ ಇದ್ದದ್ದು ತೋಟವಾಗಿ ಪರಿವರ್ತನೆ ಮಾಡಿರುತ್ತಾರೆ. ಸಾಲ ಮಾಡಿ ನೀರಾವರಿ ಮಾಡಿರುತ್ತಾರೆ. ಇಂತಹ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಯಾವರೀತಿ ನಿವಾರಣೆ ಮಾಡುತ್ತೀರಿ ಎನ್ನುವುದನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ತಿಳಿಸಬೇಕಾಗುತ್ತದೆ. ವಾಪಸ್ ತೆಗೆದುಕೊಂಡ ಜಮೀನಿಗೆ ಬೆಲೆ ಹೆಚ್ಚಿಗೆ ಯಾವುದೋ ಕಾಲಕ್ಕೆ ೫ ಸಾವಿರ ರೂಪಾಯಿ ಕೊಟ್ಟು ತೆಗೆದುಕೊಂಡದ್ದು ಇವತ್ತಿನ ದಿವಸ ಅದನ್ನೆಲ್ಲ ಅಡಾದುಮಾಡಿ ಭಾವಿ ತೆಗೆಸಿ ಸಾಲ ತೆಗೆದುಕೊಂಡು ಅಭಿವೃದ್ಧಿ ಮಾಡಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಅದರ ಬೆಲೆ ಇವತ್ತು ೫೦ ಸಾವಿರವಾಗುತ್ತದೆ. ಕೆಲವು ಸಂದರ್ಭದಲ್ಲಿ ಇದೇ ಆಸ್ತಿಯನ್ನು ಆಧಾರವಾಗಿಟ್ಟು ಅಭಿವೃದ್ಧಿ ಕಾರ್ಯ ಮಾಡಿರುತ್ತಾರೆ. ಇಂತಹ ಸಂದರ್ಭಗಳಲ್ಲಿ ಯಾವರೀತಿ ನಿವಾರಣೆ ಮಾಡುತ್ತೀರಿ ಎಂದು ತಿಳಿಸಬೇಕು ಅಷ್ಟೆ.

ಶ್ರೀ ವೈ. ರಾಮಕೃಷ್ಣ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೆ, ಮಾನ್ಯ ರೆವಿನ್ಯೂ ಮಂತ್ರಿಗಳು ತಂದಿರತಕ್ಕಂಥ ಈ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಸೇಲ್ಸ್ ಹಾಗೂ ಮಾರ್ಟ್‌ಗೇಜ್ ಬಗ್ಗೆ ಸ್ಪಷ್ಟವಾಗಿಲ್ಲ. ಇದರಿಂದ ಅನ್ಯಾಯವಾಗುತ್ತದೆ. ಟ್ರಾನ್ಸ್‌ಫರ್ ಆಫ್ ಪ್ರಾಪರ್ಟಿ ಬಗ್ಗೆ ಸರಿಯಾಗಿ ಮತ್ತು ಸ್ಪಷ್ಟವಾಗಿ ಇಲ್ಲವೆಂದು ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ಬಿ. ಬಸವಲಿಂಗಪ್ಪ.—ಮಾನ್ಯ ಸದಸ್ಯರು ಹೇಳುತ್ತಿರುವುದು ನೋಡಿದರೆ ನನಗೆ ಅರ್ಥವಾಗುತ್ತಿಲ್ಲ. ಮಾನ್ಯ ಸದಸ್ಯರು ನ ರಿತ ವಕೀಲರು ಇವರು ಇದನ್ನು ಸರಿಯಾಗಿ ಅರ್ಥಮಾಡಿಕೊಳ್ಳದೆ ಹೋದರೆ ಹೇಗೆ?

ಶ್ರೀ ಜಿ. ಎಸ್. ಶಿವನಂಜಪ್ಪ.—ಸೆಕ್ಷನ್ ೮ಕ್ಕೆ ಇರುವ ಅಧಿಕಾರವನ್ನು ಏತಕ್ಕೆ ಇಟ್ಟುಕೊಂಡಿದ್ದೀರಿ? ಇದನ್ನು ಇಟ್ಟುಕೊಂಡಿರುವುದರಿಂದ ಸೆಕ್ಷನ್ ೮ರ ಕೆಳಗೆ ಸೆಲ್ಟರ್ ತೆಗೆದುಕೊಳ್ಳುತ್ತಾರೆ. ಇದರಲ್ಲಿ ಮನೆ ಕಟ್ಟಿರುವವರು ಇದ್ದಾರೆ ಅಲ್ಲದೆ ಬೇರೆ ಆಸ್ತಿಗಳನ್ನು ಆಧಾರ ಮಾಡಿ ಈಗ ತೆಗೆದುಕೊಂಡಿರುವ ಆಸ್ತಿಗಳಲ್ಲಿ ತೋಟಗಳನ್ನು ಮಾಡಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಇದಕ್ಕೆ ವಿನಾಯಿತಿ ಕೊಡಬೇಕು. ಇದಕ್ಕೆ ಏತಕ್ಕೆ ವಿನಾಯಿತಿ ಕೊಡಬಾರದು?

ಶ್ರೀ ಬಿ. ಬಸವಲಿಂಗಪ್ಪ.—ಮಾನ್ಯ ಹೆಚ್. ಟಿ. ಕೃಷ್ಣಪ್ಪನವರು ಕೆಲವು ವಿಚಾರಗಳನ್ನು ಇಟ್ಟಿದ್ದಾರೆ. ಇನ್ನು ಕೆಲವು ಮಾನ್ಯ ಸದಸ್ಯರು ಕೂಡಾ ಹೇಳಿದ್ದಾರೆ, ಎಲ್ಲರಿಗೂ ನಾವು ಅಳವಡಿಸಿ ನ್ಯಾಯ ಕೊಡತಕ್ಕಂಥಾದ್ದು ಸರಿ. ಆದರೆ ಕಾನೂನು ಎಲ್ಲರಿಗೂ ಸರಿಸಮಾನವಾಗಿ ಅನ್ವಯಿಸಬೇಕಾಗುತ್ತದೆ,

ಆದರೆ ಕೆಲವರು ಹೇಳಿರುವ ವಿಚಾರವನ್ನು ತೆಗೆದುಕೊಂಡರೆ ಸಣ್ಣವರಿಗೆ ತೊಂದರೆ ಇದ್ರೆ ದೊಡ್ಡವರಿಗೂ ತೊಂದರೆ ಇದೆ. ಆದರೆ ಇದರಲ್ಲಿ ಒಬ್ಬರಿಗೆ ಒಂದು ಮತ್ತೊಬ್ಬರಿಗೆ ಒಂದು ಎಂದು ಕಾನೂನು ಮಾಡುವುದಕ್ಕೆ ಬರುವುದಿಲ್ಲ?

SRI H. T. KRISHNAPPA.—At the time of re-grant, the claim of the purchaser may be sympathetically considered if he is found to be an in sufficient holder, or if he is found to be a very poor man.

ಶ್ರೀ ಬಿ. ಬಸವಲಿಂಗಪ್ಪ.—ಈ ಬಗ್ಗೆ ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀಮಾನ್ ಗಂಗಾಧರನ್ ಅವರಿಗೆ ಹೇಳುತ್ತಾ ಉತ್ತರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅದು ಸಾಧ್ಯವಿಲ್ಲದ ಮಾತು ಎಂದು ಹೇಳಿದ್ದೇನೆ. ಸರ್ವೇ ಸಾಮಾನ್ಯವಾಗಿ ಇದು ಎಲ್ಲರಿಗೂ ಅನ್ವಯಿಸಲೇಬೇಕು. ಸಣ್ಣವನು ಕೊಂಡುಕೊಂಡಿದ್ದಾನೆ ಎಂದು ಹೇಳಿದರೆ ಅನುಕಂಪ ತೋರಿಸಲಿಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಇವ್ವೊತ್ತು ಸಣ್ಣವರು ಕೊಂಡುಕೊಂಡಿದ್ದಾರೆ ದಯೆ ತೋರಿ ಎಂದರೆ ಹೇಗೆ ಮಾಡಲಿಕ್ಕೆ ಆಗುತ್ತದೆ. ಹೆಚ್ಚು ಜನ ಬಡವರಿಗೆ ಅನುಕೂಲವಾಗುವಾಗ ಕೆಲವರಿಗೆ ತೊಂದರೆಯಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಏನೂ ಮಾಡಲಿಕ್ಕೆ ಆಗುವುದಿಲ್ಲ.

ಶ್ರೀಮತಿ ಎಸ್. ಪ್ರಮೀಳ (ಚಾಮರಾಜಪೇಟೆ).—ಸ್ವಾಮಿ, ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಗಂಗಾಧರನ್ ಅವರಿಗೆ ಉತ್ತರ ಕೊಡುವಾಗ ಕಾನೂನು ದೃಷ್ಟಿಯಿಂದ ಸರ್ವೇಸಾಮಾನ್ಯವಾಗಿ ಬೇಧ ಭಾವ ಮಾಡುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿದರು. ಈಗ ಮಾರುವವರಿಗೆ ಬಿಟ್ಟು ಕೊಂಡುಕೊಳ್ಳುವವರಿಗೆ ಮಾತ್ರ ಪನಿಷ್‌ಮೆಂಟ್ ಎಂದು ಹೇಳಿ ಭೇಧಭಾವ ಮಾಡುವುದು ಸರಿಯೇ? Ignorance of law is no ex use ಎಂದು ತಿಳಿಯುವುದಾದರೆ ಮಾರುವವರು, ಕೊಂಡುಕೊಳ್ಳುವವರು ಕಾನೂನು ದೃಷ್ಟಿಯಲ್ಲಿ ಒಂದೇ ಆಗಿರಬೇಕು. ಕೊಂಡುಕೊಳ್ಳುವವನಿಗೆ ಮಾತ್ರ ಪನಿಷ್‌ಮೆಂಟ್ ಮಾರುವವರಿಗೆ ಇಲ್ಲ ಎಂದು ಹೇಳಿದರೆ ಸರಿಯೇ? According to Section 7A, the land so transferred shall vest with the State Government free from all encumbrances. After the transfer, the land vests with the Government. ನಿಮ್ಮದೇ ಜಮೀನು ಆದ ಮೇಲೆ, ಪರ್ಚೆಸರ್‌ಗೆ ಲ್ಯಾಂಡ್ ಇಲ್ಲ ಎಂದು ಆದಮೇಲೆ ಹೇಗೆ ಪನಿಷ್‌ಮೆಂಟ್ ಕೊಡಲಿಕ್ಕೆ ಆಗುತ್ತದೆ ಎನ್ನುವುದನ್ನು ತಿಳಿಸಬೇಕು. Therefore, 'Any person who acquires' ಎನ್ನುವುದರ ಬದಲು 'Any person who involves in such a transaction' ಎಂದು ಹೇಳಿದರೆ ಪ್ರಾಯಶಃ ಸರಿಹೋಗಬಹುದು. ಇನ್ನು ಸಬ್ ರಿಜಿಸ್ಟ್ರಾರ್ ಆಫೀಸಿನಲ್ಲಿ ಇಂತಹ ಜಮೀನನ್ನು ಮಾರುವುದಕ್ಕೆ ಬಂದರೆ ಅಲ್ಲಿಯೇ ಅಡ್ಡಿಆತಂಕ ಹಾಕಿದರೆ ಮಾರುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ, ಕೊಂಡುಕೊಂಡವನಿಗೆ ಪನಿಷ್‌ಮೆಂಟ್ ಕೊಡುವುದು ಬರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಸಬ್‌ರಿಜಿಸ್ಟ್ರಾರ್‌ರವರಿಗೆ ಸರ್‌ಕ್ಯುಲರ್ ಕಳುಹಿಸಿ ಮಾರಾಟಿ ಮಾಡದಂತೆ ನೋಡಿಕೊಳ್ಳಬೇಕು. ತಾವು ಈ ರೀತಿ ಮಾಡಿದರೆ ಪನಿಷ್‌ಮೆಂಟ್ ಕೊಡುವುದು ತಪ್ಪುತ್ತದೆ. ಕೊಂಡುಕೊಂಡವನು ಕಷ್ಟ ಅನುಭವಿಸುವುದು ತಪ್ಪುತ್ತದೆ.

SRI B. BASAVALINGAPPA.—I am thankful to the hon. Member. She is a very Senior Lawyer and I am glad about it. Section 7A is a declaratory section. I don't think we are making a discrimination and I don't think the hon. Member will still carry any doubt. With these few remarks. I request the House to approve these amendments.

MR. SPEAKER.—The question is:

"That amendments to Clauses 1, 3 and 4 made by the Legislative Council to the Karnataka Village Offices Abolition (Amendment) Bill, 1978, as passed by the Legislative Assembly, be taken into consideration,"

The Motion was adopted

SRI B. BASAVALINGAPPA.—I beg to move;

"That amendments to clauses 1, 3 and 4 made by the Legislative Council to the Karnataka Village Offices Abolition (Amendment) Bill, 1978 as passed by the Legislative Assembly, be agreed to."

MR. SPEAKER,—The question is:

"That amendments to Clauses 1, 3 and 4 made by the Legislative Council to the Karnataka Village Offices Abolition (Amendment) Bill, 1978 as passed by the Legislative Assembly, be agreed to."

The Motion was adopted and the amendments to Clause 1, 3 and 4 made by the Legislative Council were agreed to.

Amendments made by the Legislative Council to the Karnataka Village Offices abolition (Amendment) Bill, 1978 as passed by the Legislative Assembly

CLAUSE 1

(1) In sub-section (2), for "and sub-section (5) of section 7" substitute the following.—

"section 2, section 3 and new section 7A in section 4"

CLAUSE 3

For "In section 5 of the principal Act, after sub section (3) the following sub-section shall be inserted, namely:-" substitute the following.—

"In section 5 of the principal Act,—

(A) in sub-section (3) for "Without the previous sanction of the Deputy Commissioner and such sanction shall be granted only on payment of an amount equal to fifteen times the amount of full assessment of the land". substitute the following.—

"for a period of fifteen years from the date of commencement of section 1 of the Karnataka Village Offices Abolition (Amendment) Act, 1978" ;

(b) after sub-section (3), the following sub-sections shall be and shall be deemed always to have been inserted, namely.—"

(2) After proposed sub-section (4) insert the following —

"Explanation:—For removal of doubts it is hereby declared that in this sub-section and sub-section (3), transfer includes creation of a lease."

CLAUSE-4

For sub-sections (4) and (5) of new section 7, substitute the following:—

"7A. Restriction on Transfer etc:—

(1) No person shall transfer or acquire by transfer for a period of fifteen years from the date of commencement of this section any land regranted or disposed under sub-section (4) of section 5 or sub-section (3) of section 7 and any transfer of such land in contravention thereof shall be null and void. The land so transferred shall vest in the State Government free from all encumbrances. The provisions of sub-section (5) of section 5 shall mutat is mutand is apply to transfer of such land.

(2) Any person who acquires by transfer such land in contravention of sub-section (1) shall on conviction be punished with imprisonment which may extend to six months".

KARNATAKA KHADI AND VILLAGE INDUSTRIES (AMENDMENT) BILL, 1978.

Motion to Consider

SRI AZEEZ SAIT (Minister for Industries and Commerce).—Sir, I beg to move :

"That the Karnataka Khadi and Village Industries (Amendment) Bill, 1978 be taken into consideration.

The Question was proposed

This is a Bill to replace the Ordinance. The Ordinance was promulgated because the Karnataka Legislative Council was not in session and the matter was urgent. As the Khadi and Village Industries Board was unable to borrow any money from any bank for their Lok Vastra Units, we found it necessary to make a provision to raise finances from the Nationalised Banks. Therefore, an Ordinance was promulgated.

Then Sir, there is no provision in the Act for grant of leave to the Chairman and for making incharge arrangement during the leave periods. We found it necessary to provide for the same. Then the Government by their experience thought it fit to reduce the umber of Members from 15 to 9, and we had also taken the power to prescribe the terms of Office and conditions of service of the Chairman and Members.